

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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DAVID HALPERN, et al.,	:	CASE NO. 1:07 CV 2730
	:	
Plaintiffs	:	
	:	
-vs-	:	<u>ORDER ADOPTING REPORT AND</u>
	:	<u>RECOMMENDATION AND DENYING</u>
	:	<u>THE DEFENDANT'S MOTION TO</u>
	:	<u>DISMISS AND FOR CONTEMPT AND</u>
ATLAS VAN LINES INC.,	:	<u>AWARDING DEFENDANT'S</u>
Defendant	:	<u>REASONABLE ATTORNEY'S FEES</u>
	:	<u>PURSUANT TO FED. R. CIV. P. 37</u>

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This Carmack Amendment matter was referred (Doc. 21) to Magistrate Judge William H. Baughman, Jr. for a Report and Recommendation ("R&R") on defendant Atlas Van Lines, Inc.'s ("Atlas") motion to show cause to compel and for a Fed. R. Civ. P. 37 dismissal. (Doc. 18). Magistrate Judge Baughman thoroughly reviewed the parties' briefs (Docs. 18, 19, 20) and issued a concise R&R (Doc. 22) recommending the Court deny as moot Atlas' motion to show cause and its motion for a Rule 37 dismissal. After a careful application of Rule 37 and the extant jurisprudence, Magistrate Judge Baughman further recommended the reasonable award of attorney's fees to Atlas for the cost incurred in filing and prosecuting the motion to compel, with the fees to be paid by plaintiffs David and Barbara Halpern's counsel.

Pursuant to the R&R, counsel for Atlas has timely provided the Court with a

reasonable accounting of attorney's fees in the amount of \$3,605.99. (Doc. 23). The Court has received no objections to the Magistrate Judge's R&R and the time for responsive filings has passed.

No party has objected to the Magistrate Judge's R&R. Therefore, it must be assumed the parties are satisfied with the Report's conclusion. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Atlas' motion to show cause is denied as moot and its motion for dismissal under Rule 37 is denied. Further, Atlas is awarded reasonable attorney's fees in the amount of \$3,605.99, to be paid by the Halperns' counsel, John A. Huettner.

Finally, the Court, hereby, schedules a telephonic status conference with all counsel for Wednesday, 4 March 2009 at 10:00 a.m. The call shall be initiated by the plaintiffs' counsel.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE